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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,413	08/08/2001	Masanobu Seki	VX012332	9911

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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,413

Applicant(s)

SEKI ET AL.

Examiner

Ljiljana (Lil) V. Ciric *LVC*

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003 and 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt and entry of the amendments and arguments filed on July 28, 2003 and on November 20, 2003, respectively, is hereby acknowledged.
2. Only new claims 7 through 9 remain in the application.

Response to Arguments

3. Applicant's arguments filed on July 28, 2003 and on November 20, 2003 have been fully considered but are not persuasive with regard to the new matter rejections and objections as cited in the previous Office action and as generally repeated herein. Applicant is requested to refer to the procedures and guidelines set forth in the Interview Summary, Paper No. 12.

Oath/Declaration

4. Receipt of the second executed declaration filed on July 28, 2003 is hereby acknowledged. This declaration however, has not been approved for entry because the procedures set forth in the Interview Summary, Paper No. 12, have not been followed and no petition has been filed.
5. The first-filed oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The first-filed oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Drawings

6. The drawings were received on July 28, 2003. These drawings are approved in part. Replacement Figure 3 is approved, whereas new Figure 2C is disapproved because it contains new matter. For example, with regard to the latter, there is no support in the originally filed disclosure, taken as a whole,

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for specifying the width of the sealing members to be the particular dimension as now designated via reference character w in Figure 2C.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s): the width of the sealing members as newly cited in each of claims 7 through 9. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

8. The abstract of the disclosure is objected to because it does not avoid the legal terminology characteristic of claims, i.e., "comprises". Correction is required. See MPEP § 608.01(b).

9. The amendment filed on August 8, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the length of the connecting pipe 21 being longer than the spacing between the heat exchanger 14 and the relay blocks 15 plus the width of the sealing member 14 [as added to page 7]; the length of the connecting pipe 22 being longer than the spacing between the heat exchanger 12 and the relay blocks 18 plus the width of the sealing member 28 [as added to page 7]; the entire contents of the paragraph added after page 10 by the amendment; the length of the connecting pipe being longer than the sum of the distance between the temperature controlling heat exchanger and the second block added to a width of the sealing member [as cited in new claims 4 and 5]; and, the length of the first connecting pipe being longer than the sum of the distance between the temperature controlling heat exchanger and the second block added to the width of the first sealing member and the also being longer than the sum of the distance

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between the temperature controlled heat exchanger and the fourth block added to the width of the second sealing member.

Applicant is required to cancel the new matter in the reply to this Office Action.

10. The amendment filed on March 7, 2002 is also objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows, for example: that the cooling water flowing in the cooling water passage may "be always renewed by new one or may be circulated with the outside" [as added to page 7]; and, the connecting pipe 21 or 22 having a length which is less than the distance between the edges of the respective heat exchanger and passage block to substantially equal but not exceeding 100% [as added to the paragraph after page 10]--note that this broadens the lower end of the range to include values less than the previous 80% of the distance while effectively changing the definition of the term "substantially equal" from "up to 105% of the distance" to "not exceeding 100% of the distance."

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 U.S.C. § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 7 through 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For example, each of claims 7 through 9 recites the length of the connecting pipes as being longer than the sum of the distance between the temperature controlling heat exchanger and the second block added to the width of the

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sealing members, and, also being longer than the sum of the distance between the temperature controlled heat exchanger and the fourth block added to the width of the second sealing members. Since there is no support in the *originally filed disclosure* for these dimensional relationships as now recited in the claims, these dimensional relationships constitute new matter.

13. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

14. Claims 7 through 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, each of claims 7 through 9 recites the limitations "said sealing members having a width" and "added to said width of said sealing members", but it is not clear whether the width of the sealing members as recited in these limitations refers to the width of the sealing members individually or to the width of the plural sealing members collectively, thus rendering indefinite the metes and bounds of protection sought by the claims.

15. The non-application of art against claims 7 through 9 should not be construed as an indication that the claims contain allowable subject matter but rather that the patentability of the claims cannot be determined at this time due to indefiniteness and/or other problems under 35 U.S.C. 112, first and second paragraphs.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

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date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (703) 308-3925.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (703) 308-1272.

The NEW central official fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

lvc

February 9, 2004


LJILJANA V. CIRIC
PRIMARY EXAMINER
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